

CITY COUNCIL AGENDA

**Wednesday, May 26, 2010
9:00 a.m.**



**Barbara Bass, Mayor
Sam Mezayek, District 1
Donald Sanders, District 2
Ralph Caraway, District 3
Martin Heines, District 4
Mark Whatley, District 5
Charles Alworth, District 6**



CITY COUNCIL MEETING AGENDA

CITY COUNCIL CHAMBERS - CITY HALL
212 North Bonner
Tyler, Texas 75702
Wednesday, May 26, 2010
9:00 a.m.

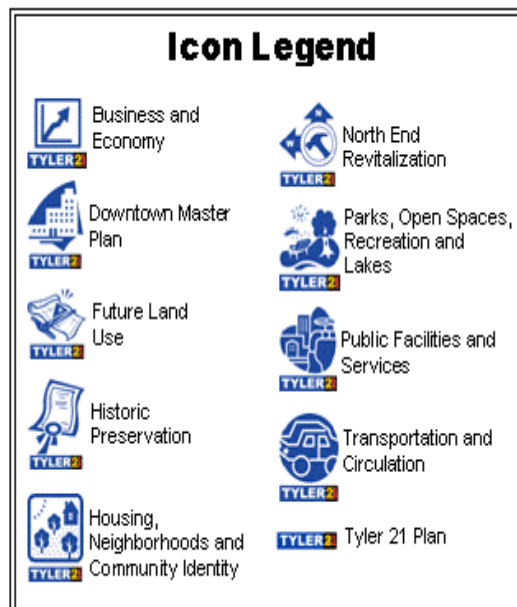
Internet website <http://www.cityoftyler.org> and Cable Access Channel 3

AMERICANS WITH DISABILITIES ACT NOTICE

The City of Tyler wants to assure that City Council Meetings are accessible to disabled persons. Currently our Elevator is not operational. If a person wants to speak and not able to walk up to the second floor there will be a conference phone available on the first floor in our Information Center for use with a City staff person available for assistance. If any other special assistance or accommodations are needed in order to attend a City Council meeting, please contact the City Manager's Office at 903.531.1250, in advance so accommodations can be made.

COURTESY RULES

Thank you for your presence. The City Council appreciates your interest in Tyler City Government. To ensure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, Administrative Staff, News Media, Citizens and Visitors. If you wish to address the Council, obtain a speaker card from the receptionist's desk outside the Council Chambers, complete the information requested on the card, and deliver to the City Clerk before the meeting or as soon as you can. Speakers will be heard as the individual item(s) in which they have registered an interest come before the Council. Your remarks will be limited in duration depending on the number of people wanting to speak on a particular item. Delay or interruption of the proceedings will not be tolerated.



INVOCATION

PLEDGE OF ALLEGIANCE

MINUTES

- a. Minutes 05 03 2010 - SPECIAL CALLED JOINT COUNCIL
- b. Minutes 05 12 2010

ZONING

Z-1 APPLICATION Z05-10-029 FRANCIS SEPULVADO (2111 EAST FRONT STREET)

Request that the City Council consider a zoning change from “C-1”, Light Commercial District to “C-2”, General Commercial District.



Z-2 APPLICATION Z05-10-031 EDUARDO BETANCOURT (1120 PARK STREET)

Request that the City Council consider a zoning change from “R-MF”, Multi-Family Residential District to “R-1B”, Single-Family Residential District.

Z-3 APPLICATION Z05-10-032 ANDREW MCINTOSH (430 SOUTH BONNER AVENUE)

Request that the City Council consider a zoning change from “RPO”, Restricted Professional Office District to “PMF”, Planned Multi-Family Residential District.

Z-4 APPLICATION Z05-10-033 MARK TYLER (1600 NORTH GLENWOOD BOULEVARD)

Request that the City Council consider a zoning change from “R-1B”, Single-Family Residential District to “C-2”, General Commercial District.

Z-5 APPLICATION F05-10-053 T.B.I. ADDITION

Request that the City Council consider approving a one lot plat including a waiver of construction or \$38,506 in escrow costs.

Z-6 APPLICATION Z05-10-036 MATTHEW PEER (2406 SHILOH ROAD)

Request that the City Council consider a zoning change from “R-MF”, Multi-Family Residential District to “R-1D”, Single-Family Detached and Attached Residential District.

Z-7 APPLICATION Z05-10-039 TYLER JUNIOR COLLEGE (1914 AND 2028 DEVINE STREET)

Request that the City Council consider a zoning change from “R-1A”, Single-Family Residential District to “INT”, Institutional District.

Z-8 APPLICATION Z05-10-035 MEZAYEK BUILDING

Request that the City Council consider changing the zoning from "R-1A", Single-Family Residential District to “AR”, Adaptive Reuse District.

RESOLUTION

- R-1** Request that the City Council consider a Resolution calling a runoff Election for June 19, 2010, to fill the office of Tyler City Councilmember for Single Member District No. 6 on the Tyler City Council.



R-2 Request that the City Council consider adopting a Resolution authorizing eminent domain proceedings for the acquisition of right of way on land owned by the Josephus and Rosa Browning Estate for the construction of Earl Campbell Parkway including portions of Noonday Road.

ORDINANCE



O-1 Request that the City Council consider approving an Ordinance prohibiting the use of designated groundwater from beneath the properties whose addresses include 212 Border Avenue; 613, 624, 638, 710, 714, & 812 West Ferguson Street; and 512, 520, 527, 623, 700, 711, 717, 725, & 829 West Erwin Street located in the downtown Tyler area and containing approximately 11.059 acres of land in Tyler, Texas, to facilitate the certification of said properties with a Municipal Setting Designation by the Texas Commission on Environmental Quality pursuant to the Texas Solid Waste Disposal Act; and providing an effective date.

MISCELLANEOUS



M-1 Request that the City Council conduct a public hearing and consider adoption of an Ordinance creating City of Tyler Reinvestment Zone No. 11/GenCore at 5750 Eagles Nest Boulevard; and approving the tax abatement agreements with Gencore LLC and GenCore Candeco, Ltd.

M-2 Request that the City Council consider approving a Resolution of the City of Tyler, Texas whereby the City Council is asked to ratify the City Manager’s adoption of the Identity Theft Prevention Program (“Program”) for the purpose of ensuring compliance with the Code of Federal Regulations [16 CFR 681.2(e)(1)] mandated by the Red Flags Rule.



M-3 Request that the City Council consider authorizing the City Manager to execute a new Master Agreement for Engineering Services with The C.T. Brannon Corporation for engineering, planning, environmental and construction phase services on an as needed basis in connection with improvements at Tyler Transit and Work Order No. 1 totaling \$46,750.



M-4 Request City Council consider authorizing City Manager to execute Amendment No. 1 to the Wholesale Customer Treated Water Delivery Contract with Walnut Grove Water Supply Corporation increasing the maximum daily demand from 1.2 million gallons per day to 2.0 million gallons per day and authorizing future adjustment to the maximum daily demand if agreed to, in writing, by both parties.

M-5 Request that the City Council consider authorizing the City Manager to enter into a contract with Garrett and Associates for the purpose of renovating the existing elevator and existing restrooms at City Hall, and consider adopting an Ordinance amending the Fiscal Year 2009-2010 Budget to appropriate funds for said expenditure.

CONSENT

(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item).

- C-A-1** Request that the City Council consider authorizing the City Manager to execute an anchor guy easement to Cherokee County Electric Cooperative Association at Lake Tyler near the intersection of FM 848 and Peninsula Road.
- C-A-2** Request that the City Council consider authorizing the City Manager to execute a Consent to Assign the Encore Operating, L.P. surface use agreements, leases and easements on City of Tyler property, at Lake Tyler and Lake Tyler East, to Quantum Resources Management, LLC.
- C-A-3** Request that the City Council consider authorizing the City Manager to award three-year contracts with a provision for an optional three-year extension renewal for non-consent police tows with Absolute Wrecker, Crow Towing, Campbell's Towing and Recovery, Hi-Way Towing, Issac's Wrecker Service, and Liberty Services, Incorporated.
- C-A-4** Request that the City Council consider authorizing the City Manager to award multiple vendors for the annual price agreement for various categories of hydraulic component services and repairs per Bid No. 10-020.
- C-A-5** Request that the City Council consider authorizing the City Manager to award multiple vendors for the annual price agreement for various categories of automotive and truck services and repairs per Bid No. 10-010.
- C-A-6** Request that the City Council consider authorizing the City Manager to sign an Interlocal Agreement with Smith County so the Sheriff's Office can make application for and accept the Edward Byrne Memorial Justice Assistance Formula Grant for the Year 2010 in the amount of \$104,313, of which \$52,156.50 is the City of Tyler's portion.

BOARD APPOINTMENTS

- B-1** Request that the City Council consider appointing a Chairman for the Disabilities Issues Review Board.

CITY MANAGER'S REPORT

RECESS FOR EXECUTIVE SESSION

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may consider the following:

-under section 551.071 "Litigation" deliberation regarding the following:

- 1. TCEQ docket involving LNVA**
- 2. Condemnation & TCEQ docket involving TTUC (Algonquin)**

Litigation is, by its nature, an on-going process, and questions may arise as to trial tactics, which need to be explained to the City Council. Upon occasion, the City Council may need information from the City Attorney as to the status of the pending or contemplated litigation subjects listed above

-under Section 551.072 "Real Estate", deliberation regarding the following:

Discuss the purchase, exchange, lease or value of real property, the public discussion of which would have a detrimental effect on the negotiating position of the City, related to the development of municipal facilities and encouragement of private investment.

ADJOURNMENT